

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AETNA LIFE INSURANCE COMPANY,

Plaintiff,

v.

HUNTINGDON VALLEY SURGERY CENTER,
et al.,

Defendants.

CIVIL ACTION

No. 13-03101

ORDER

YOHN, J.

AND NOW, this 30th day of April, 2015, upon consideration of Aetna Life Insurance Company's motion to dismiss (Doc. 93), Huntingdon Valley Surgery Center's response thereto, Aetna's reply thereto, and Huntingdon Valley's reply thereto, **IT IS HEREBY ORDERED** that:

1. Count VIII (Claim for ERISA Benefits) is **DISMISSED** with prejudice.
2. The balance of the motion is **DENIED**.

s/William H. Yohn Jr.
William H. Yohn Jr., Judge